REMARKS

By this amendment, claims 1-7, 9-20, 22-32, 34-45, and 47-52 are pending, in which claims 8, 21, 33 and 46 are canceled without prejudice or disclaimer, and claims 1, 14, 26, 39, 51 and 52 are currently amended. These changes incorporate features from corresponding dependent claims, and thus are not believed to raise new issues requiring further consideration and/or search. Moreover, the claim amendment reduces issues for appeal. Therefore it is respectfully requested that the present amendment be entered under 37 C.F.R. §1.116.

The final Office Action mailed Aug. 10, 2007rejected claims 1-7, 9-20, 22-45, and 47-52 under 35 U.S.C. § 102(e) as anticipated by *Chatterjee et al.* (US 2001/0043600), and claims 8, 21, 33, and 46 as obvious under 35 U.S.C. § 103 based on *Chatterjee et al.* (US 2001/0043600) in view of Official Notice.

To reduce issues for potential appeal, Applicants have amended independent claims 1, 14, 26, 39, 51 and 52 to incorporate features of dependent claims, 8, 21, 33 and 46, correspondingly.

First, Applicants maintain that the arguments put forth in the prior Response are still valid with respect to the feature of "**generating** a list specifying objects to be pre-fetched." It was previously argued that while *Chatterjee et al.* does disclose a "list of objects" that are included in the cache (see paragraph [0013]), there is no teaching in *Chatterjee et al.* that the cache "generates" the list of objects. The Examiner fails to address this with the present Office Action; instead, the Examiner frames Applicants' arguments as failing to teach "pre-fetching object on a list" (Final Office Action, page 14).

Secondly, the Examiner acknowledges that *Chatterjee et al.* fails to disclose the feature of "wherein number of objects specified in the list is limited by a configurable threshold." Short on any factual basis in the art, the Examiner resorts to Official Notice, concluding that "it would have been obvious on of the [sic] ordinary skill in the art at the time of the invention would limit the number of objects in the list as described in the instant application because doing so would limit the number of HTTP connections which make the system more efficient and robust." MPEP §2144.03(B) states that "if Official Notice is taken of a fact, unsupported by documentary evidence, the technical line of reasoning underlying a decision to take such a notice must be clear and unmistakable." In the case at hand, the Examiner's technical reasoning is faulty, as the number of objects is not correlated with the number of HTTP connections; that is, a single HTTP connection can be utilized to transport all the objects. In fact

the applied reference of *Chatterjee et al.* undercuts the Examiner's conclusion; this reference discloses, in paragraph [0045], that "a persistent TCP connection can be formed between applications so that there is no need to open and close connections associated with each object, thereby reducing latency."

Furthermore, it is not well-known to use a configurable threshold in the manner claimed. MPEP §2144.03(B) admonishes that "[i]t would not be appropriate for the examiner to take official notice of facts without citing a prior art reference where the facts asserted to be well known are not capable of instant and unquestionable demonstration as being well-known." There is no technical reason for one of ordinary skill in the art to introduce the complexity of utilizing a thresholding mechanism to generate the claimed list with a limited number of objects. The Examiner does so here simply because of hindsight, which is impermissible.

Therefore, the present application, as amended, overcomes the rejections of record and is in condition for allowance. Favorable consideration of this application is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at (301) 601-7252 so that such issues may be resolved as expeditiously as possible. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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